

REMARKS

With respect to the Office Action at page 5, paragraph 3, Applicant has rewritten dependent claim 6 (6/7) in independent form, whereby **claim 6 now should be allowable**. Applicant has added new claims 11-15 corresponding to claims 2-5 and 8, respectively, but dependent on the allowable claim 6, whereby **claims 11-15 now also should be allowable**.

Claims 2-5, 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Kalbermatter '978 (previously cited) in view of Hatuse '115 (**newly cited**).

Applicant has canceled claim 8 and amended claim 7 to contain the limitation of claim 8. Thus, Applicant respectfully **traverses** the rejection of claims 2-5 and 8.

Applicant notes that Hatuse '115 was cited in only Category "A" ("technological background") in the counterpart European Search Report.

Contrary to the previous Office Action, the Examiner now admits that "Kalbermatter **fails**

to teach the watch including: a keyboard disposed under a lower face of the surface, said crystal including a thick zone and a thinned zone, the keyboard being deposited in the thinned zone, the entire surface of telephone watch is crystal, and the keyboard formed in particular of a plurality of capacitive sensors, the keys being activated by placing a finger on the upper face of the crystal opposite that at least one electrode.

The Examiner attempts to compensate for this **admitted deficiency** in Kalbermatter's disclosure by relying on Hatuse.

However, Applicant must **respectfully disagree** with the Examiner's statement that, "Hatuse teaches a crystal telephone wristwatch wherein the keys and the keyboard are arranged **only** in the thinned zone."

Hatuse '115, in fact, teaches a keyboard disposed under a lower surface of a crystal of a watch, wherein the crystal comprises a central portion of constant thickness and a beveled peripheral portion. The beveled peripheral portion, considered as the thinned portion by the Examiner, has a variable thickness which decreases towards the outside. Moreover, the surface of each of the keys (45, 69) of the keyboard shown in Hatuse spreads over both the central thick portion and also the beveled portion of the crystal. Such a structure does not offer a reliable control especially with a crystal having a thickness sufficiently thick to be water resistant, as the capacitance variation will vary depending on the location where the user places his finger, i.e., on the central portion, on the beveled portion, or even between the central and the beveled portion of the crystal.

Thus, Applicant respectfully requests the Examiner to **reconsider and/or further explain** her statement that Hatuse teaches "keys...arranged **only** in the thin zone".

Since Hatuse **teaches away** from the subject matter defined in Applicant's independent claim 7 (amended to contain the limitation of canceled claim 8), Applicant respectfully submits that the Examiner has not made a showing of *prima facie* obviousness of the subject matter of independent claim 7 and its dependent claims 2-5. Furthermore, even if the teachings of Kalbermatter and Hatuse were combined, there would not be produced a crystal containing all of the limitations/features of claim 7 and its dependent claims 2-5. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103(a), and to **allow** the pending claim 2-5 and 7 (amended to contain the limitation of canceled claim 8).

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 09/767,722

Applicant has inserted new dependent claim 9 (9/7) which adds to claim 7 a further limitation supported in Applicant's specification at least at page 1, lines 22-26, and new dependent claims 10 (10/7) and 16 (16/6) which are supported by Applicant's original disclosure including drawing Figs. 2 and 3.

REQUEST FOR INTERVIEW

Thus, Applicant respectfully submits that the application should now be in condition for allowance with claims 2-7 and 9-16; however, if for any reason the Examiner feels that the application is not now in condition for allowance, she is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

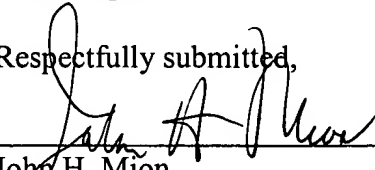
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
(202) 663-7901

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 27, 2005

Respectfully submitted,


John H. Mion
Registration No. 18,879